

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO.: 05 CV 7905

Judge Casey

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PRESIDION SOLUTIONS, INC.,

Plaintiff,

vs.

BRENTWOOD CAPITAL
CORPORATION and CHARLES J.
SPINELLI, individually,

Defendants.

**BERMAN, KEAN & RIGUERA, P.A.'S REPLY MEMORANDUM OF LAW
IN FURTHER SUPPORT OF THEIR MOTION TO WITHDRAW
AS COUNSEL OF RECORD FOR PLAINTIFF PRESIDION SOLUTIONS, INC.**

Berman, Kean & Riguera, P.A. ("BKR") respectfully submits this reply memorandum of law in further support of their motion to withdraw as counsel of record for Plaintiff, Presidion Solutions, Inc. ("Presidion") pursuant to Local Rule 1.4 of the Local Civil Rules of the United States Districts Courts for the Southern and Eastern Districts of New York. For the reasons set forth below, the motion should be granted.

Although Presidion has objected to BKR's withdrawal as its attorney in the present matter, the reply affidavit of Brian J. McCarthy states that grounds for withdrawal still exist. Moreover, there is now a conflict of interest between Presidion and MVI. A satisfactory reason for withdrawal exists when there is a potential conflict of interest. See Behar v. City of New York, No. 98 Civ. 2635 (HB) Slip Op. at 3. S.D.N.Y. April 13, 1999. Because MVI's counsel just informed BKR that there is now a conflict of interest between MVI and Presidion, the two parties BKR has represented

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in this matter, BKR cannot represent both parties and now seeks permission from this court to withdraw as counsel of record. As stated in the reply affidavit of Brian J. McCarthy, there is no undue prejudice for Presidion as it is early on in the litigation process so there is not much for new counsel to catch up on in this action.

CONCLUSION

Accordingly, Berman, Kean & Riguera, P.A. respectfully requests that its motion to withdraw as counsel of record for the Plaintiff be granted.

Dated: April 11, 2007
Fort Lauderdale, FL

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By: s/ Richard E. Berman
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RB2715

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of April, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and mailed, via U.S. Regular Mail, a copy to **James Baiers**, Chief Legal Officer, Presidion Solutions, Inc., 755 W. Big Beaver Road, Suite 1700, Troy, MI 48084; **David M. Levy, Esq.**, Levy & Boonshoft, P.C., 477 Madison Avenue, New York, NY 10022.

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